

**WASHINGTON STATE HUMAN RIGHTS COMMISSION  
MEETING OF  
December 15-16, 2005**

**Daybreak Star Cultural Center  
Seattle, WA**

**MINUTES**

**ATTENDANCE**

Commissioners: Kathy Baros Friedt, Commission Chair; Deborah Sioux Cano-Lee; and Jerry Hebert.

Staff: Marc Brenman, Executive Director; Idolina Reta, Deputy Director; Tanya Calahan, Executive Assistant to the Commissioners; and Dixie Shaw, Operations Manager.

Guests: Phil Lane and Arlie Neskani, United Indians of All Tribes Foundation; Craig Bill, Governor's Office of Indian Affairs; Marlene Davis, Governor's Disability Committee; Fred Charles, Lower Elwha Klallam Tribe; Patricia Anne Davis; Dulce Herrera, Children's Home Society of WA; Marlene Okimow; Victoria Redstarr; Joyce Yee; Russ Chandler; Robert Free Galvan; Wekus Yellowbird; Julie Nelson, Seattle Office for Civil Rights; Rosa Melendez, US Department of Justice; Guy C. Freeman, UW School of Social Work; Rebecca Milliman, Office of Indian Child Welfare; Don Woodcock; Central WA University; Steve Randels, US Equal Employment Opportunity Commission (EEOC); Rodney Cawston, Washington State University; Willard Bill Jr., Seattle Schools; Robert Jackson; Cynthia Masterson, University of Washington; Deb Sosa, Department of Social and Health Services; TVW staff, and Teresa Brownwolf Powers.

**OPENING**

Executive Director Marc Brenman called the forum to order and introduced Phil Lane who opened the meeting with a Native American prayer.

Mr. Lane next introduced Commission Chair Kathy Baros Friedt, whom Governor Gregoire appointed as chairperson in November 20005. She welcomed everyone and introduced the Commissioners and staff to the audience. She recognized Cecile Hansen, Steve Randels from EEOC; Victoria Redstarr from the City of Seattle Human Rights Commission and Julie Nelson from the Seattle Office of Civil Rights. Two organizations filmed the forum; TVW and University of Washington graduate student Teresa Brownwolf Powers who is doing documentary on Urban Indians.

Marc Brenman provided a brief overview of the Washington State Human Rights Commission's jurisdiction.

Craig Bill, Executive Director of the Governor's Office of Indian Affairs spoke next. He was appointed in July 2005. He talked about the need to address discrimination issues in the Indian community.

Marlene Davis of the Governor's Committee on Disability Issues and Employment spoke. She highlighted health challenges faced by American Indians such as diabetes, and other disability and health concerns in that community. She talked about Native American disability conferences hosted by tribes such as Poulsbo and Yakama Nation. She offered assistance to attendees with help about disability issues in the American Indian community.

Fred Charles of the Lower Ellwha Klallam Tribe in Port Angeles spoke next about social justice issues. He talked about issues over land with the WA State Department of Transportation and asked for support of his tribe's effort to rebury their ancestors on their original land.

### **OPEN FORUM**

Several individuals spoke during the open forum. Speakers included Wekus Yellowbird who relayed his experience involving a violent crime. He was assaulted at gun point in front of his home. However, he pointed out that the matter was not pursued and nor was there a prosecution as a hate crime. He suffered many injuries as a result of this incident. His father, Robert Free Galvan talked about alleged institutional racism at the University of Washington.

Other speakers included Patricia Anne Davis of Native American Concepts. She spoke about Native-specific holistic health and healing.

Arlie Neskali of the United Indians of All Tribes works with youths. He shared information about his work with youths involved in the juvenile justice system. He works via contract with juvenile justice advocates. He spoke about the challenges faced by his office to properly deliver services to incarcerated youths in the detention center in King County.

Steve Randels of the EEOC spoke about his agency's federal employment civil rights jurisdiction. They have contract with certain local agencies and state agencies such as the Washington State Human Rights Commission to investigation employment discrimination complaints.

Robert Jackson spoke about his life experience and the racism he faced as a child in a public school in Moclips, Washington. He expressed how challenges continue for Indian people in Washington. He relayed information regarding an incident with the Seattle Housing Authority involving a requirement to use a state issued identification instead of a tribal identification.

Teresa Brownwolf Powers shared information about the documentary that she is working on. She is a graduate student at the University of Washington (UW). She spoke about other civil rights projects that she is involved in as part of the Seattle Civil Rights and Labor History Project. The documentary Native Voices will be shown at UW in April 2006.

Commissioners Baros Friedt, Cano-Lee, and Hebert gave closing remarks and thanked the individuals in attendance and expressed their appreciation for them coming to the forum to share their experiences.

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Executive Assistant to the Commissioners

**December 16, 2005**

**ATTENDANCE**

**Commissioners:** Kathy Baros Friedt, Commission Chair; Deborah Sioux Cano-Lee; and Jerry Hebert. A quorum was present.

**Staff:** Marc Brenman, Executive Director; Tanya Calahan, Executive Assistant to the Commissioners; Sharon Ortiz, Operations Manager; and Traci Friedl, Assistant Attorney General.

**Guest:** No guests were present.

**OPENING AND WELCOME**

Commissioner Baros Friedt called the meeting to order at 9:12 a.m.

**APPROVAL OF MINUTES**

The Commissioners considered the minutes of the November 18, 2005 meeting. Commissioner Hebert made a motion to approve the minutes. Commissioner Lee seconded the motion.  
MOTION CARRIED.

Tanya Calahan reviewed action items from the November 18, 2005 meeting.

**CASE CLOSURES**

The Commissioners pulled the following cases from the agenda: Garibay v. Nordic Tugs, Fulbright v. Columbia Orchard, and Gonzalez v. Arby's. They set aside Hamilton v. Kennewick General Hospital.

Commissioner Hebert made a motion to approve case list with the exception of the pulled and set aside cases. Commissioner Lee seconded the motion. MOTION CARRIED.

**REPORT FROM THE CHAIR**

Commissioner Baros Friedt spoke about the Governor's Executive Commissioner Conference that was held on December 13, 2005. Tanya Calahan will send Commissioners Lee, Barnes, and Casson copies of materials from the conference, since they did not attend.

Commissioner Baros Friedt requested that the Commissioners provide funds to the Governor's Committee on Disability Issues and Employment.

She then suggested having a public forum that focuses on pregnancy and maternity issues.

Commissioner Baros Friedt talked about having a follow up discussion by the Commissioners about Thursday night forums during the business meeting the following day. This can be discussed under “New Business” to consider, for example, what the Commissioners can do to respond to the issues that are brought forth at the forums.

There will be a NW Indian Youth Conference in April 2006. A representative from WSHRC will attend to talk about youth rights under the Washington Law Against Discrimination. Commissioner Baros Friedt agreed to contact Arlie Neskani and extend the offer for a WSHRC staff member to attend.

*(Audio tape one – side two)*

### **EXECUTIVE DIRECTOR’S REPORT**

Executive Director Marc Brenman highlighted items from his monthly Executive Director’s Report. Staff has provided information to members of the Washington State Legislature regarding issues in Southwest Washington.

The Management Team had a day long workshop with consultant Dee Endelman recently. Some of the managers shared that the experience was positive and very useful.

*(Audio tape two – side two)*

### **NEW BUSINESS**

The Commissioners discussed public forum ideas for 2006.

Raymond Reyes of Gonzaga University requested that the WSHRC have a forum on Urban Indian issues on the Eastside of Washington like the one held on Thursday, December 15, 2005. That forum was well attended.

Operations Manager Sharon Ortiz suggested that the Commissioners plan a forum on farm worker issues in Eastern Washington.

Commissioner Baros Friedt will take the lead on planning a public forum on women in leadership with the Governor’s Interagency Committee of State Employed Women (ICSEW) and a separate forum for pregnancy, maternity, and breastfeeding issues.

The Commissioners shared information regarding meetings and other events that they participated in recently. Commissioner Hebert attended a conference regarding the “Militia” in Bellingham.

Commissioner Baros Friedt attended a meeting at Centro Latino on immigrant issues. She shared information about staffing agencies that solicit employees in the Latin community using Spanish language radio. However, immigration raids then take place. The Fife Police Department was involved in a recent raid. She suggested that the Commissioners initiate a complaint or do "Dear Colleague" letters if feasible.

### **RECONSIDERATIONS**

Commissioner Baros Friedt summarized the rules of order for the proceedings. Equal Opportunity Compliance Specialist Bruce Redding provided a summary of the cases on the agenda for reconsideration.

**Tesfaslassie Debesai v. Varsity Contractors Inc.** Complainant was present. Respondent did not participate. Complainant expressed that he was not contacted during the investigation to provide information to support his case. Complainant presented information from an arbitration hearing to the Commissioners. He then stated that his witnesses weren't interviewed.

*(audio tape one – side two)*

Discussion continued about the arbitrators report. Another case against on the agenda involves the same issues: **Gebremedihim v. Varsity Contractors Inc.** As the issues are similar to the Debesai case and involve the same arbitrators report. The Commissioners considered that case as well. Complainant was present.

Commissioner Hebert made a motion to grant reconsideration of the following two cases: **Gebremedihim v. Varsity Contractors Inc. and Debesai v. Varsity Contractors Inc.** to address the issue that Respondent's witnesses allegedly offered testimony during the investigation which differed from that which was given during a recent union arbitration; address the grievance process used by Respondent; evaluate the arbitrator's report and look for contradictory statements in the arbitrators report vs. the evidence in the investigation file in reference to the security guards and rehires. Commissioner Lee seconded the motion. MOTION CARRIED.

**Tesfamariam v. Varsity Contractors Inc.** Neither party participated. This case was substantially similar to the previous two cases regarding Varsity Contractors Inc. Therefore, Commissioner Hebert made a motion to grant reconsideration on the same basis as the Gebremedihim and Debesai cases. Commissioner Lee seconded the motion. MOTION CARRIED.

**Aldridge v. Rite Aid.** Bruce Redding provided a summary of the case. Staff made a recommendation to grant the petition for reconsideration to interview witness Lydia Murray because of discrepancies and conflicting statements. If Respondent's policy wasn't followed in Complainant's case, then whether respondent's employee's action resulted in a preponderance of evidence to show that discrimination occurred would be at issue.

Complainant spoke on behalf of his minor son about discrimination by members of the same race. He stated that he was told by WSHRC staff that it would not be discrimination if the alleged incidents of discrimination involve individuals of the same race. He contends that the witness Ms. Murray is Caucasian in appearance but she is African American.

Complainant spoke about discrepancies in statements regarding the alleged theft committed by his minor son. He stated that his son put the gum back before being exiting the store and before he was confronted by Respondent.

Executive Director Marc Brenman pointed out that same race discrimination can occur.

Commissioner Lee made a motion to grant reconsideration based on Bruce Redding's recommendation. Commissioner Hebert seconded the motion. MOTION CARRIED.

**Michel v. Great Cuisine of India.** Commissioner Hebert made a motion deny complainant's petition. Commissioner Lee seconded the motion. Commissioner Baros Friedt commented that Complainant's internet "Blog" (or online diary) that described incidents at her workplace was relevant but the contents of the Blog would not change the finding. MOTION CARRIED.

**Rockssi v. Pierce County.** Commissioner Hebert made a motion to deny Complainant's petition for reconsideration. Commissioner Lee seconded the motion. MOTION CARRIED.

**Seth v. Highline School District** Commissioner Lee made a motion to deny Complainant's petition for reconsideration. Commissioner Hebert seconded the motion. MOTION CARRIED.

### **ACTION ITEM REVIEW**

Tanya Calahan reviewed the action items of the day's meeting.

There being no further business, the meeting adjourned at 2:47 p.m.

Respectfully submitted,

Tanya Y. Calahan  
Executive Assistant to the Commissioners